



*Duchesne County Planning, Zoning  
& Community Development  
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cc: Leslie  
Duchesne Co Gen Corr

0016

October 8, 2009

Mr. Junior Jessen  
Nile Chapman Construction  
PO Box 98  
Roosevelt, UT 84066-0098

**RECEIVED**  
**OCT 13 2009**  
DIV. OF OIL, GAS & MINING

RE: Planning Commission Approval of Conditional Use Permit

Dear Mr. Jessen:

At the October 7, 2009 meeting of the Duchesne County Planning Commission a public hearing was held to consider your request for a conditional use permit to extract earth products (gravel pit and rock crusher) on 40 acres of land owned by W.C. Wilson, located in the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 36, Township 2 South, Range 5 West, north of Highway 35 in the Utahn area.

After testimony and discussion, the Planning Commission adopted findings to approve the request, subject to the following conditions:

1. Applicant shall control dust and noise so neither becomes a nuisance.
  - a. A dust control plan, approved by the TriCounty Health Department, shall be implemented throughout the course of the operations.
  - b. Applicant shall comply with the construction activity noise time limits of the Nuisance Ordinance if complaints are received about the 6:00 AM to 10:00 PM operating hours proposed.
2. Applicant shall maintain a reclamation bond in effect during the course of the mining operations. The bond shall name the County as a beneficiary to the level of at least \$5,000.00 for the first acre and \$3,000.00 per additional acre to be disturbed at any one time.
3. Applicant agrees to reclaim the site at the conclusion of mining operations in a manner acceptable to Duchesne County and the property owner pursuant to the "Material Pit Finishing" standards.
4. Applicant shall provide the county with a copy of the DEQ air quality permit for the crusher prior to operations at this site. The requirements of the DEQ air quality permit shall also be requirements of the Conditional Use permit.
5. Applicant shall comply with UDOT requirements to not excavate on UDOT property and promptly remove any dirt, rock or mud tracked on to Highway 35.

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If any party who participated in the hearing is aggrieved by the decision, an appeal may be filed with the Duchesne County Commissioners within ten days of the date of this letter. If there is no successful appeal, you have 18 months to activate this permit by starting excavation.

Please provide a copy of your dust control plan to us, as well as to the Utah DEQ and Tri County Health Department, at the addresses listed below. You will also need to provide your reclamation bond prior to starting excavation and crushing at this location.

If you have any questions regarding this letter, please contact this office.

Sincerely,



Mike Hyde, AICP  
Community Development Administrator

pc: Scott Hacking, Utah DEQ, 281 E 200 North, Roosevelt, UT 84066  
Darrin Brown, Tri County Health Dept., 133 S 500 East, Vernal, UT 84078  
Leslie Heppler, Div. Of Oil, Gas & Mining, P.O. Box 145801, Salt Lake City, UT 84114  
Fess Scott, Region 3 UDOT, 658 N 1500 West, Orem, UT 84057  
Mr. and Mrs. W. C. Wilson, HC 63, Box 34, Duchesne, UT 84021-9701  
David Phillips, 30 W 200 South, Smithfield, UT 84335